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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,476	06/24/2003	Edwin G. Duffin	P-9797.00	7245

27581 7590 07/24/2006

MEDTRONIC, INC.  
710 MEDTRONIC PARK  
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EXAMINER
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KAHELIN, MICHAEL WILLIAM

ART UNIT	PAPER NUMBER
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3762

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/601,476

Applicant(s)

DUFFIN ET AL.

Examiner

Michael Kahelin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/12/2006 has been entered.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the limitation "active" is lacking antecedent basis in the disclosure.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz et al. (US Re. 31,990), in view of Goldreyer (US 4,365,639, hereinafter "Goldreyer"). Sluetz discloses the essential features of the claimed invention including the following:

6. In regards to claim 1, Sluetz discloses a system comprising an array of electrodes (68 and 69), an assembly of insulated conductors (65), a lead connector with a linear array of contacts to select an electrode (Fig. 1), a pulse generator with a connector bore (18) wherein at each position of the lead connector, a lead connector contact makes connection with the connector bore contact (16) to make a corresponding one of the electrodes as a connected active electrode because it is in communication with the device electronics, and a means for reversibly locking the connector along multiple positions in the bore (col. 6, line 21).

7. In regards to claim 2, the connector comprises a second contact to make a second electrode as a connected active electrode because it is connected to the internal electronics (17).
8. In regards to claim 5, the means for locking the connector includes a deflectable member projecting into the bore (25).
9. In regards to claim 9, the means for locking includes an actuated member (27 and col. 6, line 3).
10. Sluetz does not disclose that the electrodes are distributed circumferentially on the lead body. Goldreyer teaches of providing a system having pacing lead with multiple selectable, circumferentially spaced electrodes (21-24) to sense in a very specific area to determine local effects. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz's invention with a pacing lead with multiple selectable, circumferentially spaced electrodes to sense in a very specific area to determine local effects.
11. In regards to claim 3, Sluetz's modified invention discloses the features of the claimed invention, including the application to a cascaded array of any number of electrodes (col. 3, line 54), as well as a contact that is longer than another contact if elements 5 and 20 are interpreted as being a single contact (because they are electrically connected via 55). Alternatively, Sluetz does teach of providing an electrode selection system with a conductor that engages a device contact at each of several positions to change the electrode configuration from stimulation to sensing, make the ground electrode a stimulating electrode, or alter the output in any other fashion (col. 6,

line 46) with a minimal number of contacts. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz's modified invention with a connector contact that is longer than another connector contact to alter the electrode configuration with a minimal number of contacts.

12. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz in view of Goldreyer, as applied to claim 1 above, and further in view of Bischoff et al. (US 5,843,141, hereinafter "Bischoff"). Sluetz's modified invention discloses the essential features of the claimed invention except for an insertion tool and a set of spacers with surface depressions in which deflectable members rest. Bischoff teaches of providing a multiple connector lead system with an insertion tool to easily pull the lead into cooperation with the energy applicator and a set of spacers with surface depressions in which deflectable members rest to electrically isolate the electrodes and provide a fixation means for the lead. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz's modified invention with an insertion tool to easily pull the lead into engagement with the energy applicator and a set of spacers with surface depressions in which deflectable members rest to electrically isolate the electrodes and provide a fixation means for the lead. Please note that the surface depressions can be seen in Figure 6.

13. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sluetz in view of Goldreyer, as applied to claim 1 above, and further in view of Peers-Trevarton (US 4,469,104, hereinafter "Peers-Trevarton"). Sluetz's modified invention discloses the essential features of the claimed invention except for deflectable members

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that rest in surface depressions on the contacts and deflectable members that rest in depressions apart from the array of contacts. Peers-Trevarton teaches of providing a multiple electrode connection device with deflectable members that rest in surface depressions on contacts (140) to ensure a close electrical communication between the two contacts and deflectable members that rest in depressions apart from the array of contacts (101) to create a barrier between fluids and the contacts and provide a tight fit for the lead in the bore. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Sluetz's modified invention with deflectable members that rest in surface depressions on contacts to ensure a close electrical communication between the two contacts and deflectable members that rest in depressions apart from the array of contacts to create a barrier between fluids and the contacts and provide a tight fit for the lead in the bore. Please note that the examiner is interpreting the surface depression in which the deflectable member rests is the unlabelled feature in proximity to element 172 in Figure 1.

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection. In regards to the argument that the limitation "mak[ing] a corresponding one of the electrodes of the circumferential array as a connected active electrode" contrasts the device taught by Sluetz because Sluetz merely reverses the polarity of the contacts, please see column 6, line 46 where Sluetz discloses that the electrodes can be any combination of stimulating, sensing, or ground

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electrodes. Any of these types of electrodes can be interpreted as "active" because they play a role in either sensing or stimulating.

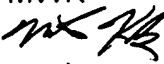
### ***Conclusion***

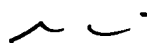
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kahelin whose telephone number is (571) 272-8688. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWK

  
2/17/06

  
GEORGE R. EVANISKO  
PRIMARY EXAMINER

7/20/2